

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 04-cr-256-pp

v.

PEDRO L. RIVAS,

Defendant.

**ORDER GRANTING DEFENDANT'S *PRO SE* MOTION FOR EARLY
TERMINATION OF SUPERVISED RELEASE (DKT. NO. 60)**

In January 2005, the defendant pled guilty to seven counts charging him with drug crimes. Dkt. No. 19. On August 23, 2005, Judge Charles N. Clevert, Jr. sentenced the defendant to a total of 230 months of imprisonment, followed by three years of supervised release. Dkt. No. 31. In March 2019, the defendant filed a motion asking the court to reduce his sentence under the First Step Act. Dkt. No. 45. The court granted that motion, dkt. no. 54, and vacated the 230-month sentence, reducing the defendant's sentence to 199 months, followed by six years of supervised release, dkt. no. 57.

On November 15, 2022, the court received a letter from the defendant (which the court construes as a motion), asking the court to terminate his supervised release early. Dkt. No. 60. He explains that he was released from custody on June 19, 2019—after serving fifteen years in prison—but was not able to go to a halfway house. *Id.* at 1. Despite that fact, the defendant says that he got a job at Milwaukee Steel Rule Dies and worked there for two years,

becoming a supervisor. Id. He then went to school and got his commercial driver's license, and began driving semi trucks and box trucks for Arctic Glacier until the season ended. Id. at 2. He explains that he hopes to become an over-the-road driver, buy his own truck someday and become an owner-operator. Id. The defendant says he has no police contact since being released, and that while he tested positive once for marijuana, he completed a program. Id. The defendant says, "I am no longer the lost 25 year old who commit[t]ed this offense. I am now a 45 year old man who wants nothing more than to serve God, family and my community." Id.

The probation office confirms that the defendant began his supervised release term on June 19, 2019 and is scheduled to complete it on June 18, 2025. Dkt. No. 62 at 1. It also confirms the defendant's account of his employment history, and adds that the defendant has his own residence and has reconnected with prosocial family members. Id. at 2. While probation reports that the defendant did have some urine screens that tested positive for marijuana, he engaged in increased drug testing services and was receptive to cognitive intervention skills taught to him by his probation officer. Id. He even tried to donate a kidney, though he was not a suitable candidate. Id.

The defendant has served three and a half years of his six-year term of supervised release. (The six-year term—a fairly long supervised release term—was imposed on Counts Two through Six, the cocaine base counts.) Normally, there is a presumption that after a defendant has served eighteen months of his supervised release term, supervised release should be terminated early.

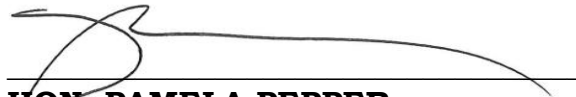
Guide to Judiciary Policy, Vol. 8, Ch. 3, §360.20(c). The defendant does not qualify for that presumption because he qualified as a career drug offender. Guide to Judiciary Policy, Vol. 8, Ch. 3, §360.20(c)(1). But probation reports that he appears to present no risk to the public, has been free from any court-reported violations for the past twelve months and has made strides in employment and reintegrating with his family. Dkt. No. 62 at 3. The government has no objection to the defendant's motion. Id.

The court concludes that, although there is not a presumption of early termination for Mr. Rivas, early termination is appropriate. The court congratulations Mr. Rivas on his achievements and wishes him the very best as his career moves forward.

The court **GRANTS** the defendant's *pro se* motion for early termination of supervised release. Dkt. No. 60. The court **ORDERS** that the defendant's supervised release term is **TERMINATED** effective **January 6, 2023**.

Dated in Milwaukee, Wisconsin this 2nd day of January, 2023.

BY THE COURT:



HON. PAMELA PEPPER
Chief United States District Judge